

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP No.3422 of 1987**

**Decided on:14.05.2013**

**Balwant Singh and others**

**..... Petitioners**

**VERSUS**

**The Joint Director Panchayats,  
Punjab and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA**  
**HON'BLE MRS. JUSTICE REKHA MITTAL**

**Present:** Mr.S.K.Pipat, Senior Advocate, with  
Mr.Manoj Pundir, Advocate, for the petitioners.

Ms.Vandana Malhotra, Addl.A.G., Punjab,  
for respondents No.1 and 2.

Ms.Alka Sarin, Advocate, for respondent No.3.

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**RAJIVE BHALLA, J. (ORAL)**

The petitioners pray for issuance of a writ of certiorari quashing order dated 14.10.1986, passed by the Joint Director, Panchayats, Punjab, exercising powers of the 'Commissioner' under the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter referred to as the “1961 Act”).

The controversy in the present petition is, whether the land, in dispute, which is recorded as the share of “Shamilat Patti” in Shamilat Deh, vests in the Gram Panchayat under Section 2(g)(3) of the 1961 Act. A perusal of Section 2(g)(3) of the 1961 Act reveals that a person or a Gram Panchayat claiming that land described as “Shamilat Patti” vests or does not vest in a Gram Panchayat, shall be required to

prove by a reference to the relevant revenue record that the land was or was not used for benefit of the village community or part thereof, or for common purposes of the village.

The District Development and Panchayat Officer, Rupnagar, exercising the powers of the Collector, has held that the Gram Panchayat has failed to prove the ingredients of Section 2(g)(3) of the 1961 Act and dismissed the petition filed by the Gram Panchayat. The Joint Director, Panchayats, Punjab, exercising the powers of the 'Commissioner', has, however, reversed the order passed by the Collector but without recording any finding in terms of Section 2(g)(3) of the 1961 Act.

Counsel for the parties agree, on instructions from their respective parties, that the writ petition may be allowed, the impugned order may be set aside and the matter may be remitted to the Director Panchayats, Punjab, Chandigarh, to decide the appeal afresh and in accordance with law.

In view of agreement between counsel for the parties, the writ petition is allowed, the impugned order dated 14.10.1986 is set aside and the matter is remitted to the Director Panchayats, Punjab, Chandigarh, to decide the appeal afresh and in accordance with law within three months of parties putting in appearance before him on 10.07.2013.

The Director Panchayats, Punjab, Chandigarh, shall grant an opportunity to both parties to lead additional evidence so as to

adduce relevant revenue record to prove their respective pleas.

During pendency of the appeal, parties shall maintain status quo with respect to ownership, possession and the nature of the land, in dispute.

**[ RAJIVE BHALLA ]  
JUDGE**

14.05.2013  
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**[ REKHA MITTAL ]  
JUDGE**